

**IN THE UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION AT AKRON**

**IN RE:** ) **CASE NO. 19-51436**  
              )  
**CHRISTOPHER A. TSONTON** ) **IN PROCEEDINGS UNDER CHAPTER 7**  
              )  
              **Debtor** ) **JUDGE ALAN M. KOSCHIK**  
              )  
              ) **MOTION FOR AUTHORITY TO**  
              ) **COMPROMISE CONTROVERSY**

Now comes Harold A. Corzin, Trustee, by and through his attorney, and hereby moves the court for an order authorizing and empowering the trustee to compromise the controversy existing between the estate of the debtor, Christopher A. Tsonton, and Grayton Road Properties, Inc. and, for cause, states as follows:

1. That Harold A. Corzin, Trustee did commence an investigation into the financial affairs of the debtor, Christopher A. Tsonton, and determined that said Christopher A. Tsonton was the holder of 35 membership units of Moore Road LLC which was subject to a security interest held by Grayton Road Properties, Inc. to secure an obligation owing to it of \$75,000. Such membership units constituted 35% of the issued and outstanding units of Moore Road LLC. Moore Road LLC, in turn, is the owner of approximately 75.68 acres which is zoned commercial and located on Moore Road in Avon Lake, Ohio. The Lorain County Auditor has the property valued at \$1,703,710.00. It is currently delinquent in the payment of its taxes in the approximate amount of \$400,000. In addition, the property has been listed for sale since 2014 at various asking prices in the \$800,000.00 to \$1,100,000.00 range without receiving any offers. Finally, the membership units are subject to cash calls that are currently in the amount of approximately \$200,000.

2. The trustee's investigation determined that the original perfection of the security interest in the membership units was accomplished by a filing with the Secretary of State of Ohio and by apparent possession of the membership units. The filing elapsed and, within 90 days preceding the filing of the bankruptcy petition, a financing statement was filed with the Secretary of State of Ohio seeking to perfect the interest of Grayton Road Properties, Inc. in the membership units of Moore Road LLC held by Christopher A. Tsonton.

3. The trustee commenced legal action to avoid the perfection of the security interest which the trustee asserted was a preference and avoidable under Section 547 of the United States Bankruptcy Code. Grayton Road Properties, Inc. asserted that their perfection of their security interest also occurred by the taking of possession of the membership units.

4. The trustee disputed such assertion and instead claimed that the membership units were not securities and perfection could only occur by a filing of a financing statement with the Secretary of State of Ohio or if the membership unit expressly provided that it was intended to be a security under Ohio law.

5. While continuing to dispute the merits of the claims of the trustee, Grayton Road Properties, Inc. has nevertheless offered compromise the claims and pay to the estate the sum of \$4,500 on or before the 10<sup>th</sup> day of August, 2020 and to withdraw its motion for relief from stay and abandonment of the membership units, provided the trustee, in turn, would transfer all of this right, title, and interest in and/or to said membership units to Grayton Road Properties, Inc. and dismiss the pending adversary proceeding entitled "Harold A. Corzin, Trustee, Plaintiff vs. Grayton Road Properties, Inc., Defendant" with prejudice to its refiling.

6. The trustee believes that the membership units would be difficult to market since they would be subject to cash calls and would be a minority position in an LLC. Further, the property is subject to significant real estate tax claims and its fair market value is extremely uncertain, leaving the trustee to conclude that, in light of the matters in controversy, the potential of an unfavorable outcome, and the anticipated costs associated with this litigation, and that acceptance of the settlement offer is in the best interests of the estate and its creditors.

WHEREFORE, movant prays that this court enter its order authorizing and empowering Harold A. Corzin, Chapter 7 Trustee, to accept proposal of Grayton Road Properties, Inc. as set forth above, and for such other and further relief as is just and proper.

GIBSON & MORAN LLC

/s/ Michael J. Moran  
Michael J. Moran #0018869  
Attorney for Harold A. Corzin, Trustee  
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[mike@gibsonmoran.com](mailto:mike@gibsonmoran.com)

**CERTIFICATE OF SERVICE**

I certify that, on June 30, 2020, a true and correct copy of this motion and notice was served:  
Via the court's Electronic Case Filing System on these entities and individuals who are listed on  
the court's Electronic Mail Notice List

Harold A. Corzin, Trustee, [hcorzin@csu-law.com](mailto:hcorzin@csu-law.com)

United States Trustee

Edward A. Bailey, on behalf of The Huntington National Bank, [bknotice@reimerlaw.com](mailto:bknotice@reimerlaw.com)

William Francis Perry, on behalf of Laura Holden, [info@wperrylaw.com](mailto:info@wperrylaw.com)

John A. Polinko, on behalf of Alan F. Scott, [jpolinko@wickenslaw.com](mailto:jpolinko@wickenslaw.com)

Kirk W. Roessler, on behalf of Kurt and Dianne Shoemaker, [kroessler@walterhav.com](mailto:kroessler@walterhav.com)

Robert E. Soles, Jr., on behalf of The Mohler Lumber Company, [bsoles@soleslaw.com](mailto:bsoles@soleslaw.com)

D. Anthony Sottile, on behalf of Fly Enterprises, [bankruptcy@sottileand barile.com](mailto:bankruptcy@sottileandbarile.com)

Peter G. Tsarnas, on behalf of Christopher A. Tsonton, [ptsarnas@gertzrosen.com](mailto:ptsarnas@gertzrosen.com)

Joshua Ryan Vaughan, on behalf of Ohio Department of Taxation, [jvaughan@amer-collect.com](mailto:jvaughan@amer-collect.com)

David J. Wigham, on behalf of Modern Poured Walls, Inc., [dwigham@ralaw.com](mailto:dwigham@ralaw.com)

Scott R. Belhorn, UST35, [scott.r.belhorn@usdoj.gov](mailto:scott.r.belhorn@usdoj.gov)

Mark F. Craig, on behalf of Alan F. Scott, [mcraig@mfcraiglaw.com](mailto:mcraig@mfcraiglaw.com)

Douglas M. Eppler, on behalf of Kurt and Dianne Shoemaker, [deppler@walterhav.com](mailto:deppler@walterhav.com)

Andrew M. Fowerbaugh, on behalf of Paul and Mary Steve, [amfowerbaugh@sbcglobal.net](mailto:amfowerbaugh@sbcglobal.net)

Thomas R. Houlihan, on behalf of Ohio Department of Taxation, [houlihan@amer-law.com](mailto:houlihan@amer-law.com)

Richard John LaCivita, on behalf of The Huntington National Bank, [bknotice@reimberlaw.com](mailto:bknotice@reimberlaw.com)

Robert W. McIntyre, on behalf of TAG Land LLC, Moore Road LLC, and Grayton Road LLC,  
rmcintyre@dhplaw.com

And by regular U.S. mail, postage prepaid, on all parties on the attached list.

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North Royalton, OH 44133-4210

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North Olmsted, OH 44070-2120

Schulz Properties  
6811 York Road  
Cleveland, OH 44130-8900

Sharon T. Cummings  
3215 Helen Drive  
North Royalton, OH 44133-2226

84 Lumber  
34457 E. Royalton Road  
Columbia Station, OH 44028-9751

84 Lumber Company  
1019 Route 519  
Eighty Four PA 15330-2813

ABC Supply  
c/o Ross Stuart & Dawson  
691 N. Squirrel Road, Suite 175  
Auburn Hills, MI 48326-2865

ABC Supply co  
c/o Kevin L. String Co, LPA  
68 Olive St Suite 6  
Chagrin Falls, OH 44022-3117

Streamline Designs  
33489 Lake Road Upstairs Loft 5  
Avon Lake, OH 44012-1159

Aaron and Amy Swank  
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Wellington, OH 44090-9659

Squire Construction, Inc.  
c/o BBA, LLC  
20501 Katy Freeway, Suite 212  
Katy, TX 77450-1942

Tesham Gor and Priti Gor  
6729 Pin Tail Drive  
Brecksville, OH 44141-2845

Summit Moving Ltd. dba Corlett Movers  
885 East Tallmadge Avenue  
Akron, OH 44310-3511

Alpha Construction  
1375 Reimer Road  
Wadsworth, OH 44281-9216

America Insulation  
6892 W. Snowville Road Suite 106  
Brecksville, OH 44141-3249

American Express  
P.O. Box 981537  
El Paso, TX 79998-1537

American Express National Bank  
c/o Becket and Lee LLP  
PO Box 3001  
Malvern PA 19355-0701

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BRUNSWICK OH 44212-2710

Aris Sanitation  
117 Hall Street  
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H.M. Metzenbaum U.S. Courthouse  
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West Middlesex, PA 16159-0235

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Westlake, OH 44145

Christopher Homes, Inc.  
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Clearview Glass 16400 Pearl Road Strongsville, OH 44136-6092	Clement Construction Inc. 1654 West 130th Street Brunswick, OH 44212-2322	Corlett Movers 3101 E. 55th Street Cleveland, OH 44127-1200
Cuyahoga Valley Trucking Company c/o Robert T. Tinl, Esq. 3695 Center Road Brunswick, OH 44212-3698	Dan Guardo Construction, Inc. 31 E. Lods St. Akron, OH 44304-1105	Dan Morell Dan Morrell & Associates, LLC 200 Spectrum Office Bldg 6060 Rockside Woods Independence, OH 44131-7303
David S. Nichol, Esq. 50 South Main Street 10th Floor Akron, OH 44308-1849	Dean K. Hegyes, Esq. P.O. Box 39696 Solon, OH 44139-0696	(p)DIRECTV LLC ATTN BANKRUPTCIES PO BOX 6550 GREENWOOD VILLAGE CO 80155-6550
The Carter Jones Lumber Co. 601 Tallmadge Road Kent, OH 44240-7331	Trademark Exteriors, LLC c/o Eric T. Michener, Attorney Critchfield, Critchfield & Johnston, Ltd 225 North Market Street Wooster, OH 44691-3511	Douglas Welko c/o John A. Lesko, Esq. 134 N. Main Street Plymouth, MI 48170-1236
Dream Decks 972 E. Turkeyfoot Lake Road Akron, OH 44312-5241	ECH Construction LLC 15730 Agler Road Garrettsville, OH 44231-9500	Emery Electric 2080 Case Parkway South Twinsburg, OH 44087-2360
First Federal Credit Control, Inc. 24700 Chagrin Blvd., #205 Beachwood, OH 44122-5662	Robert McMullen 5930 Upland Ridge Road Medina, OH 44256-6138	TV Trucking 19733 Lunn Road Strongsville, OH 44149-4919
Ford Credit PO Box 220564 Pittsburgh, PA 15257-2564	Frank P. Miller 10468 Jaquay Rd COLUMBIA STATION, OH 44028-8618	(p)GTR SOURCE LLC 211 BOULEVARD OF AMERICAS STE 205 LAKWOOD NJ 08701-4688
Garrett Excavation 31403 Avon Road Westlake, OH 44145-1718	George and Kristen Kephart 7600 Treetop Ct., Apt. B North Royalton, OH 44133-6821	Gerbetz Construction Ltd. 2726 Rapids Way Akron, OH 44312-5964
Glenn Coblenz Construction Inc. 12211 William Penn Ave NE Hartville, OH 44632-9141	Travis and Paola Rosser c/o Michael B. Kushner, Esq. 85 Enterprise, Suite 310 Aliso Viejo, CA 92656-2504	Grant A. Mason 88 South Monroe Street Millersburg, OH 44654-1436
Unified Construction 1920 Main Street Akron, OH 44301-2851	Valley City Builders Supply 1323 W. River Road Valley City, OH 44280-9316	Greg Cingle 13569 Settlement Acres Dr. Brookpark, OH 44142

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Bedford, OH 44146-1496

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Hoffman Metzger  
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Berea, OH 44017-2002

Homestead Exterior Solutions, LLC  
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Millersburg, OH 44654-8710

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Cleveland, OH 44124-2910

Huntington National Bank  
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Millersburg, OH 44654

Millersburg Concrete Ltd.  
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Westlake, OH 44145-5869

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LAW SECTION BANKRUPTCY UNIT  
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Rhodes Security  
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Mentor, OH 44060-5284

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**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION AT AKRON**

<b>IN RE:</b>	)	<b>CASE NO. 19-51436</b>
	)	
<b>CHRISTOPHER A. TSONTON</b>	)	<b>IN PROCEEDINGS UNDER CHAPTER 7</b>
	)	
<b>Debtor</b>	)	<b>BANKRUPTCY JUDGE</b>
	)	<b>ALAN M. KOSCHIK</b>
	)	
	)	<b>NOTICE OF MOTION FOR</b>
	)	<b>AUTHORITY TO COMPROMISE</b>
	)	<b>CONTROVERSY</b>

**Form 20A. Notice of Motion for Authority to Compromise Controversy**

Michael J. Moran, attorney for Harold A. Corzin, Trustee, has filed papers with the court for authority to compromise the controversy exiting in the above-captioned estate

**Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this Bankruptcy case. (If you do not have an attorney, you may wish to contact one.)**

If you object to the motion, or if you want the court to consider your views, then on or before July 21st, 2020, you or your attorney must:

File with the court a written request for hearing {or, *if the court requires a written response*, an answer, explaining your position} at:

Clerk of the U.S. Bankruptcy Court  
455 Federal Building, U.S. Courthouse  
2 South Main St.  
Akron, OH 44308

If you mail your request/response to the court for filing, you must mail it early enough so the court will **receive** it on or before the date stated above.

You must also mail a copy to:

Michael J. Moran, Esq.  
Attorney for the Trustee  
234 Portage Trail, P.O. Box 535  
Cuyahoga Falls, Ohio 44222

If you or your attorney do not take these steps, the court may decide that you do not oppose the motion and may enter an order granting authority.

Date June 30, 2020

Signature: /s/ Michael J. Moran

Name Michael J. Moran #0018869

Address: 234 Portage Trail, Cuyahoga Falls, OH 44221